

CLAIM RESPONSE



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 25, 2006

Contract No.:
T.I.P. No.:
F.A. No.:
County:
Description: (Project Description)

Mr. M. R. Contractor
Prime Corporation
P. O. Box 1111
Anytown, North Carolina 27777

Subject: Soil-Cement Base – Claim for Additional Costs – Claim ID#3

Dear Mr. Contractor:

This letter is in response to your claim letter No. 45, dated September 15, 2006 about rework to stabilize subgrade. No additional payment or time will be granted for repairs to the soil-cement base on the above referenced project.

In accordance with Articles 542-14 and 542-15 of the 2006 Standard Specifications, "do not use construction equipment on the base for hauling except as necessary to discharge into the spreader during paving operations." Also, the Contractor shall "maintain the soil-cement base in an acceptable condition until final acceptance of the project. Include in maintenance operations immediate repair of any defects or damage that may occur. Perform this work at no cost to the Department and repeat as often as may be necessary to keep the base in an acceptable condition. Perform repairs to the base by replacing the base for its full depth rather than by adding a thin layer of soil-cement mixture to the existing layer of base." The Department's project records indicate that the portion of soil-cement base in question was utilized as a haul route for unclassified excavation hauling operations from -Y3- to -LRev- during November and December of 2004.

In addition, the procedures outlined in Subarticle 104-8(B) of the 2002 Standard Specifications were not adhered to and therefore additional compensation cannot be granted. Cost records were not submitted to this office within seven (7) days after the end of the given weekly period as required by the specifications. Your cost records were submitted with your

MAILING ADDRESS:
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222 SOUTH DISTRICT STREET
RALEIGH NC

claim letter. Furthermore, project records indicate you completed the alleged extra work April 20, 2006, which exceeds the requirement to submit your claim within 120 days after completion of the work in dispute. Failure to strictly adhere to the procedures of Subarticle 104-8(B) shall be a bar to recovery under the provisions of Article 104-3 or Article 104-7.

If you have any questions or concerns regarding this matter, please contact this office.

Sincerely,

I. M. Engineer, P. E.
RESIDENT ENGINEER

IME

cc: State Construction Engineer
Division Engineer
Roadway Construction Engineer
File